

APPROVED
FOR
RELEASE
30 OCTOBER
2013
AR 70-14

Meeting With: Edith Schneider
DD/EEO & Federal Women's Coordinator

Subject: DOJ Task Force on Sex Discrimination

Date: Friday, 6 January

Time: 10:00

Attending: Mr. DeFelice

INFORMAL NOTES FOR 4 JANUARY MEETING WITH
THE FEDERAL WOMEN'S PROGRAM COORDINATOR

Item 3a - Personnel

Guidelines on non-discrimination in the areas of recruitment and selection are not published, per se. There are Affirmative Action Plans, Agency policies (HR) for non-discrimination in employment opportunity, and considerable senior management thrust in terms of announcements, verbal guidances, etc. Regulations re assignment and promotion are written in positive terms, e.g., merit and potential, and do not address sex, race or color as factors in making a decision. We rely on the Affirmative Action Plans and related issuances to make the point there will be no discrimination for race, sex or color in making assignment or promotion selections.

Test score cut-offs are used only for the selection of clerical personnel. Professional applicants take tests, but only as general guides, and selection is decentralized to the Career Services.

Item 3b - Office of Security

Item 3c - Spouses

The employment of spouses overseas is primarily a matter of DDO concern/action. Experience is that the employee spouse of an individual assigned abroad is given every possible consideration for a comparable staff or contract position at the overseas post. Available positions, however, are limited by position, personnel and ceilings; and it is not always possible, when a position is available, to identify one of equal grade or duty/responsibility. DDO advises the new Personnel Handbook (finally at the printers) includes a statement to this effect.

Further, Agency policy provides for a grant of three years LWOP when an employee accompanies a spouse to assignment outside the Headquarters area . . . to preserve, within statutory limits, certain employee benefits such as retirement credit and insurance coverage.

Item 3d - Occupations

There are no job categories prohibited to women.

Item 3e - Simplification of Agency Regulations

The instructions for the 1977 revision of the regulations under DDA purview included a requirement to eliminate the masculine pronouns. Where rewriting could not achieve this, the feminine is included along with the masculine, e.g., "his or her". We assume RCB applies this same policy to all other regulations being issued or revised.

Item 3f - Training

Defer to OTR, however, our experience is that there is no discrimination towards women in training policies or guidelines. If anything, OTR encourages the enrollment of women and insures there are no actions or procedures in any course which would adversely affect women or their performance therein.

Item 5

The record of conversion of clericals to professionals can be obtained from the APP reports. The input to professional ranks from this group is a significant percentage of the total input of professional employees to the Agency each year. N.B. EEO receives a copy of the APP, report and analysis.

☐ UNCLASSIFIED☐ INTERNAL
USE ONLY☐ C**PRIORITY**

ROUTING AND RECORD SHEET

**DD/A Registry
File**

SUBJECT: (Optional)

FROM:

Chief, Review Staff, OP

EXTENSION

NO.

3465

DATE

3 January 1978

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DD/Pers-P&C

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3 JAN 1978

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3. Attached are the original DDA papers--they may be needed for the 11:30 January 4 meeting.

In talking with Schneider about some other items, I noted I had a copy of the attached and wondered how she was going to handle the matter. She said she plans to discuss with the DDA how to approach the "problem" and did not expect any detailed discussion of the various items. I don't see it as a "problem" . . . rather a response to the Justice Task Force that our hands are clean and have been for some time. Others may need to redo regulations, et al, but we have been working on the whole matter at least since 1973 (Forever PASG!!!). Should matters get into a discussion, however, attached are a few informal notes.

DD/A Registry

78-0061

78-0061

FORM
3-62

610

USE PREVIOUS
EDITIONS☐

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UNCLASSIFIED

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Mr. Malanick:

Attached is a copy of a memo Edith Schneider (Dep Dir, EEO & Federal Women's Program Coordinator) regarding CIA involvement with the Department of Justice Task Force on Sex Discrimination. Ms. Schneider is to meet with DOJ in mid-January re Agency compliance and has asked to meet with you this week. I put the meeting on the calendar for 11:30, 4 January.

PMCD was to have some recommendations to you today, but OP tells me they will not be here until "first thing tomorrow morning."

If you wish, I will reschedule the meeting with Ms. Schneider for Thursday or Friday morning.

DeFilio should be here

Friday, 10:00

1m/3 January 1977

Acting Director of Personnel

DDA 77-6504

Your action. Please see attached,
and note ADDA meeting with Edith
Schneider on 4 January.

[] - O/ADDA

22 Dec

Orig RS - AD/Pers w/att
1 RS - DDA Subject w/att
1 RS - DDA Chrono
1 RS - MJM Chrono
Attachment: DDA 77-6504, Memo

SENDER WILL CHECK CLASSIFICATION ON TOP AND BOTTOM					
UNCLASSIFIED		CONFIDENTIAL		SECRET	
OFFICIAL ROUTING SLIP					
TO	NAME AND ADDRESS		DATE	INITIALS	
1	EO/DDA		21 DEC 1977	J	
2	MR. JANNEY			J	
3					
4	ADDA				
5					
6					
ACTION		DIRECT REPLY		PREPARE REPLY	
APPROVAL		DISPATCH		RECOMMENDATION	
COMMENT		FILE		RETURN	
CONCURRENCE		INFORMATION		SIGNATURE	
Remarks:					
<p>I would think OP would answer these points for Mike. He is to meet with Seth Schneider.</p> <p style="text-align: right;">J</p>					
FOLD HERE TO RETURN TO SENDER					
FROM: NAME, ADDRESS AND PHONE NO.				DATE	
UNCLASSIFIED		CONFIDENTIAL		SECRET	

Mr. [redacted]

21 DEC 1977

Mr. Janney [redacted]

22 DEC 1977

As you will note on the buckslip, Edith Schneider asks to meet with Mr. Malanick "soon." I called to tell her that Mr. Malanick will be on leave until 3 January and asked if the meeting could wait until then. She told me that she must meet a mid-January deadline to tell DOJ what procedures the Agency will be using to comply with sex discrimination laws and regulations. She asked if perhaps, in the meantime, someone could take a look at the paper and make recommendations to Mr. Malanick and then she would meet with him on Wednesday, 4 January.

I have put her tentatively on Mr. Malanick's calendar for 11:30, 4 January. If there is any problem with this, please let me know and I will get back in touch with Ms. Schneider

lm/20 Dec 77

Att: DDA 77-6504.

19 December 1977

MEMORANDUM FOR THE RECORD

SUBJECT : Meeting with Department of Justice
Task Force on Sex Discrimination

1. (U) The President has charged the Attorney General with reviewing all federal laws, regulations and policies for sex discrimination. To carry out these responsibilities, a special Task Force on Sex Discrimination has been formed in the Civil Rights Division of the Department of Justice for a period of two years.

2. (U) As the CIA representative to this task force, I met on 28 October with two members of this group at the Department of Justice, attorneys Susan Cornelius and Stewart B. Oneglia, the Task Force Director. They explained the requirements being levied on each Federal agency, including CIA. Each Agency is to review the U.S. Code for laws pertaining to its operation, or the programs for which it is responsible. The objective is to identify those which have a disparate sex impact and to draft changes. The next step is to review Agency policies, regulations and guidelines which affect employees or prospective employees. I explained that legislation pertaining to this Agency is minimal and that we have no programs involving the general public.

3. (U) Specific points which the Task Force raised concerning CIA were:

a. Personnel. Since we do not come under the Civil Service Commission, our regulations and policies on personnel areas should be carefully reviewed - including recruiting, selection, testing, (are guidelines published, is a test score cut-off utilized?) promotions, and other action.

b. Security. All policies affecting employment. Are these policies written? How are they applied? What is the record over the years for actions taken against men vs women, for both employees and prospective employees.

c. Spouses. Do policies exist affecting the employment of spouses overseas?

d. Occupations. Are there any job categories prohibited to women?

e. Simplification of Agency Regulations. Coordinate these efforts with anyone in this Agency working under Executive Order 11030 (5 Oct), Improving Regulatory Practices.

f. Training. Do any policies or guidelines on training adversely affect women?

4. (U) The normal procedure is for the Task Force to review some of these regulations. I raised the issue that some of our material is classified and that this procedure could cause a problem. The initial agreement then reached was that if CIA shows a "good faith effort" to carry out the project, the Task Force will not pursue a review at this time. They asked for periodic reports on our activities and progress, citing examples of specific changes which have been made. Should they discern problem areas, they reserve the right to become more involved.

5. (U) The first report to the Task Force is due in December and is to address how the Agency plans to approach this project (the mechanics, time frame, etc.). It is also to include statistics on the status of women in CIA. They agreed to abide by our agreement with the CSC in that when citing personnel statistics we can provide percentages only and not actual numbers for security reasons. They also requested statistics on our record of converting clericals to professionals in Upward Mobility.

6. (U) [redacted] in the Office of General Counsel was unable to attend this meeting but was informed of the implications.

7. (U) On 7 December, [redacted], Upward Mobility Coordinator, OEE0 and I briefed the Task Force on Upward Mobility Programs in the Agency.

Edith M. Schneider

Edith M. Schneider
Deputy Director, Office of Equal Employment Opportunity
and Federal Women's Program Coordinator

77-5618

THE WHITE HOUSE
WASHINGTON

August 26, 1977

MEMORANDUM FOR THE HEADS OF

EXECUTIVE DEPARTMENTS AND AGENCIES

Today, on the anniversary of the ratification of the Women's Suffrage Amendment, I am requesting the Attorney General and all the Federal agencies to cooperate in eliminating sex discrimination from the laws and policies of the United States.

This country has a commitment to equality of opportunity for all citizens, yet a recent report from the Civil Rights Commission indicates that sex discrimination still exists in some Federal laws and policies. Last year the Department of Justice was directed to develop a plan for reviewing and revising Federal laws that discriminate on the basis of sex. At the request of this Administration, Congress has recently appropriated funds for the Task Force on Sex Discrimination in the Civil Rights Division of the Department of Justice to implement the plan.

I am now requesting the heads of all Federal agencies and departments to initiate a comprehensive review of all programs which they administer in order to identify any regulations, guidelines, programs or policies which result in unequal treatment based on sex. Some agencies have already begun such efforts.

I am requesting that the head of each department and agency cooperate with the Attorney General in collecting and furnishing existing information and developing additional information where necessary and that they develop proposals to change any laws, regulations and policies which discriminate on the basis of sex.

Aug 31 1977

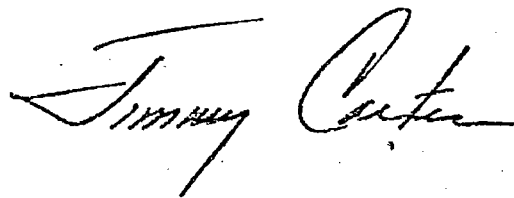
I am directing the Attorney General, as chief law officer of the Federal government, to coordinate all of the activities undertaken by the departments and agencies to eliminate sex discrimination. He has sent a letter to each agency today giving details of the proposed procedures.

Where statutory revision or repeal is necessary, I will recommend to the Congress that appropriate legislation be enacted. Where executive action will suffice, I will take appropriate steps to ensure that benefits and opportunities provided by the Federal government are made equally available to all, regardless of sex.

In taking this action, we intend to retain and possibly expand any existing protections and benefits provided for homemakers and families. We believe that offering opportunity to all should not threaten or diminish the protection provided those performing special functions in our society.

Federal law should be a model of non-discrimination for every state and for the rest of the world. The Federal government, which is actively involved in eliminating sex discrimination in many areas, should not uphold it in others.

It is my hope that the project initiated today will result in such a model and the goal of equal rights and opportunity for all our citizens under the law will be realized.



AUG 31 10 00 AM '77

ER



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

OCT 20 1977

DJ 144-01-24
SC/fjm

Ms. Edith Schneider
Federal Women's Program Coordinator
Central Intelligence Agency
Washington, D. C. 20505

Dear Ms. Schneider:

We have been notified that you are to be the contact person at the Central Intelligence Agency for the Task Force on Sex Discrimination in the Civil Rights Division of the Department of Justice. We welcome the opportunity to work with you and your Agency on the important task of eliminating sex discrimination from all federal laws, regulations, and policies.

We are including as an appendix, the pages from a recent publication of the United States Civil Rights Commission* which discuss reasons for the elimination of unnecessary gender-specific terminology from federal law.

We are counting on your support and assistance in drafting proposed changes to the discriminatory laws affecting your Agency. Furthermore, we also must work together in proposing changes in regulations, guidelines, and other policy directives which discriminate on the basis of sex and affect your Agency. In this regard, we will need from you copies of all guidelines, policy directives, etc., which are not published in the Code of Federal Regulations or otherwise available to us. ✓

*

SEX BIAS IN THE U. S. CODE (U.S. COMMISSION ON CIVIL RIGHTS, April, 1977).

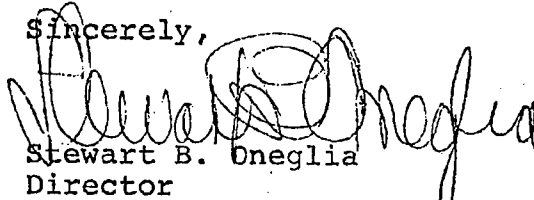
Oct 20 1977

Our mandate also includes a review for disparate sex impact of employment, education, and training programs administered by your Agency affecting both your own employees and the general public. We will need your assistance in identifying and analyzing these programs.

We are anxious to set up a meeting with you as soon as possible in order to explain more fully our function and to detail more specifically our needs from you and your Agency.

The member of our staff who will be coordinating with your Agency (at least initially) is Susan Cornelius. Her telephone number is: 739-3906. She will be contacting you within the next ten days to arrange for an initial meeting. In the meantime, if you have any questions or comments, please feel free to contact her.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stewart B. Oneglia". The signature is stylized with large, flowing loops and is positioned above the printed name and title.

Stewart B. Oneglia
Director
Task Force on Sex Discrimination

Guidelines for Identification of Policies,
Procedures and Laws to be Reviewed by the
Task Force on Sex Discrimination

The Task Force on Sex Discrimination is a unit within the Civil Rights Division of the Department of Justice which has been assigned the responsibility of reviewing all federal laws, regulations, guidelines, policies, and procedures for the purpose of eliminating from them all forms of discrimination based on sex. As part of this effort, the Task Force has requested that any proposals within the following categories be sent to them for comment before being adopted as Administration policy.

- I. Those that overtly make distinctions based on sex.
- II. Those that although not substantially discriminatory, use unnecessary gender-specific terminology.
- III. Those which although neutral on their face may have a disproportionate impact on one sex.

These would include:

- 1. Any which relate rights or obligations to marital status (including domestic violence) or which treat married couples as units.
 - 2. Any dealing with federal employment policies (including military employment), including training programs, promotion policies, and fringe benefits.
 - 3. Any of particular concern to the elderly, including provisions relating to the Social Security Act, the Employee Retirement Income Security Act of 1974, or any other pension, or retirement or employment fringe benefit plan.
 - 4. Any dealing with children and families including welfare benefits, tax exemptions and child care programs.
- IV. Those which purport to prohibit any discrimination or to eliminate existing discrimination based on sex.

The first two categories should be easily recognizable, since they will include sex-based terms such as "man", "woman", "mother", "father", "widower", "widow", "watchman", "chairman", "manpower", etc. Such sex-based terminology is undesirable even when it does not have a substantive discriminatory effect, because it perpetuates discriminatory stereotypes and implies that women are not equally affected. In addition, the use of sex-based terminology may result in overt, substantive discrimination even where such discrimination was not consciously intended by the drafters. For example, a statute providing benefits to the "widows" of Presidents or Supreme Court Justices was probably not consciously intended to deny equal benefits to qualified "widowers", but merely reflects an unconscious assumption that Presidents and Supreme Court Justices will always be male. The use of the sex-neutral term "surviving spouse" would ensure that the statute would always be equally applicable to all persons similarly situated regardless of sex.

The Task Force therefore wishes to review any proposals which contain sex-based terminology in order to determine whether it will have a substantively discriminatory effect, and in order to recommend appropriate sex-neutral terminological substitutes.

The third type of proposal the Task Force wishes to review is that which is likely to have a disparate impact, that is, to affect one sex differently than the other. Identification of such provisions will require analysis of the purpose and expected effects of the legislation, and an understanding of the sex-related characteristics of the groups it is expected to affect. Such analysis cannot be reduced to a simple formula.

Perhaps the best approach is to consider the expected impact on particular groups or classes which are likely to be predominantly female. For example, women have longer life expectancies than men, so the majority of people over 65 are female. Proposals which affect the elderly are therefore likely to affect women more than men.

Women, of course, have the unique physical characteristic of being able to bear children. Proposals relating to child-bearing, pregnancy, birth control, abortion, etc., are therefore of particular concern to

women. Women also have traditionally been responsible for child rearing, and this tradition is strongly reflected in current social patterns. Any proposals relating to the care and education of children are therefore likely to impact more strongly on women than men. For the same reason, women are disproportionately represented among recipients of child support, alimony and welfare benefits and among parents without partners (i.e. single, divorced or widowed individuals with custody of minor children).

Women also tend to have different labor force participation patterns than men. Because of their traditional roles as child-rearers and homemakers, women are more likely than men to spend substantial portions of their adult lives outside the paid labor force. When employed, they are more likely to hold part-time or part-year jobs and, even if employed full time, they are likely to earn less than men, so they are disproportionately represented among low-income groups. Proposals dealing with employment benefits which require long job tenure or full time employment are therefore likely to have a disproportionate impact on women, as are any which favor higher income groups.

Since married couples consist of an equal number of men and women, it might be thought that proposals that deal with couples would not have a discriminatory effect. However, the traditional roles of husbands and wives have been very different, and assumptions about the continued validity of these roles are a common source of discriminatory provisions. Since the husband is the breadwinner in most families with only one wage earner, policies which treat two-income couples less favorably than one-income couples may have a disparate impact on working wives. On the other hand, laws based on the assumption that the husband is the sole breadwinner may produce inappropriate results where part of the family income is earned by the wife, where the wife makes a non-cash contribution to the household, or where the husband is not providing support for the family. Any proposal which deals with married couples or families as economic or social units must therefore be carefully examined to determine its impact on families with different life styles and distributions of male and female roles.

The Task Force would like to examine proposed legislation in the fourth category in order to formulate recommendations concerning the inclusion of sex among the protected categories if it is not included, and to have the opportunity to comment when legislation designed to eliminate sex discrimination is prepared by other agencies.

From Report by U.S. Civil Rights Commission

II. Sex-Based Terminology

The drafting scheme now reflected in the U.S. Code is appropriate to a society that accepts as inevitable the dominant position of men in political and economic spheres of life. The Commission has proposed revisions to reflect in form as well as in substance the equal status of women and men before the law.

Drafting consistency is not a hallmark of the current body of Federal law. For example, in some sections, when spouse is the intended meaning, the reference is to "husband or [and] wife"; in other sections, the economy-minded drafter simply used "spouse." Similarly, where the reference is to a person's child[ren], the statutory expression is sometimes "son(s) or [and] daughter(s)," and sometimes "child(ren)." "Man," "person" and "human being" are used interchangeably; "he" is generally used alone, but an occasional "he or she" appears.

Although the main rule, as expressed in 1 U.S.C. §1, is that "words importing the masculine gender include the feminine as well", certain anomalies appear. These generally reflect a congressional design to equalize treatment of women and men. For example, 26 U.S.C.

§7701(a)(17), relevant to tax treatment of alimony and support payments, explains that "husband" sometimes means "wife," and "wife" sometimes means "husband"; 38 U.S.C. §102(b) says that "wife" includes the husband of a female veteran, and "widow" the widower of a female veteran. A less eclectic drafting style should be one of the improvements accomplished by sex-neutralization of the language of Federal law.

Although the Commission recommends that symbolic figures, such as "Johnny Horizon," should include women as well as men, and that the "prudent man" become the "prudent person," the Commission does not suggest historical revision (references to the titles of legislation no longer in force should remain undisturbed), change in place or proper names (e.g., Twin Sisters Mountain, Minute Man National Park), or amendment of familiar, innocuous terms such as "brother-sister control group."

The main rule the Commission proposes (see Title 1 analysis) calls for sex-neutral terminology except in the rare instance where no suitable sex-neutral substitute term exists, or the reference is to a physical characteristic unique to some or all members of one sex, or the constitutional right to privacy necessitates a sex-specific reference.



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

DJ 144-01-24
SC/fjm

DEC 1 1971

Ms. Edith Schneider
Federal Women's Program Coordinator
Central Intelligence Agency
Washington, D. C. 20505

Dear Ms. Schneider:

I received the attached memorandum from
the U.S.I.A. and am forwarding it to you.

We would be interested in knowing how the
C.I.A. is implementing this memorandum.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan F. Cornelius".

Susan F. Cornelius
Attorney
Task Force on Sex Discrimination

OUTGOING
MESSAGE
VIA

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SENT TO: ALL USIA OVERSEAS ESTABLISHMENTS

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USIA- CR-366

APRIL 8, 1976

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E.O. 11652: N/A

Subject: Non-Discrimination in Overseas Assignments

Reference:

On November 20, 1975, President Ford addressed a memorandum to the Heads of Departments and Agencies on the subject of "Non-Discrimination in Overseas Assignments." It read substantially as follows:

"The purpose of this Memorandum is to underscore the applicability of Executive Order 11478, the Equal Employment Opportunity Act of 1972 (P. L. 92-261); the Age Discrimination in Employment Act of 1967 as amended by P. L. 92-269; and pursuant regulations to all Federal personnel actions, including those which involve overseas assignment of employees of Federal agencies to foreign countries which have adopted exclusionary policies based on a person's race, color, religion, national origin, sex or age.

"In making selections for overseas assignment, the possible exclusionary policies of the country to which an applicant or employee is to be assigned must not be a factor in any part of the selection process of a Federal agency. United States law must be observed and not the policy of the foreign nation. Individuals, therefore, must be considered and selected solely on the basis of merit factors without reference to race, color, religion, national origin, sex or age. Persons must not be "selected out" at any stage of the selection process because their race, color, religion, national origin, sex or age does not conform to any formal or informal requirements set by a foreign nation. No agency may list in its job description circulars that the host country has an exclusionary entrance policy or that a visa is required.

STATE

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DRAFTED BY

Jeanne M. Huard

OFFICE

IPT/OD

PHONE NO.

25040

DATE

3/30/76

APPROVED BY

Alvin J. Rosenman

USIA AND OTHER CLERICAL
PT/E-Mr. Fowler
EO-Mr. Haley
PT/OF-Mr. Astor

I-Mr. Monsen
IOP-Mr. Towery
IAA-Mr. Dawson
IEA-Mr. Payton

IEA-Mr. Nalle
ILA-Mr. Dillon
IEU-Mr. Shirley

UNCLASSIFIED
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"If a host country refuses, on the basis of exclusionary policies related to race, color, religion, national origin, sex or age, to grant a visa to an employee who has been selected by a Federal agency for an overseas assignment, the employing agency should advise the Department of State of this act. The Department will take appropriate action through diplomatic channels to attempt to gain entry for the individual."

The Director expects strict adherence to the equal opportunity pronouncements of the President as well as those enunciated by the Agency in its policy directives and other issuances.

Effective immediately the Office of Personnel and Training is adding the following policy statement to Section 411, Part V-B, of the Manual of Operations and Administration which describes the Assignment and Transfer of Foreign Service employees:

It is the policy of the Agency to provide equal opportunity in employment without regard to race, color, religion, national origin, sex or age. Consonant with this policy, assignments to all positions, domestic and overseas, are made without consideration of these factors. Furthermore, in making selections for overseas assignments, exclusionary policies of foreign countries based on race, color, religion, national origin, sex or age will not be considered in the selection process. In all cases, United States law, and not the policy of the foreign nation, will be observed.

Cross reference this Circular to MOA V-B 410.

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ROUTING AND RECORD SHEET

SUBJECT: (Optional) Meeting with Department of Justice Task Force on Sex Discrimination		DD/A Registry 77-6504	
FROM: Edith M. Schneider, Deputy Director, Office of Equal Employment Opportunity & Federal Women's Program Coordinator		EXTENSION NO.	DATE 19 December 1977
TO: (Officer designation, room number, and building)	DATE RECEIVED FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1 Michael J. Malanick Acting Deputy Director for Administration Hqs.	22 Dec	J	Attached is background information on CIA's in- volvement with the Task Force on Sex Discrimination. I would like to talk with you very soon about our procedures for compliance.
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